

To: Flanagan, Sarah[Flanagan.Sarah@epa.gov]
Cc: Hyatt, Jr., William[william.hyatt@klgates.com]; Mack, Karyllan
Dodson[Karyllan.Mack@klgates.com]
From: Monsen, Dawn M.
Sent: Tue 4/9/2013 7:33:59 PM
Subject: RE: LPRSA RI/FS Trust - Occidental Chemical Corporation Share
[image001.jpg](#)

Thanks, Sarah.

From: Flanagan, Sarah [mailto:Flanagan.Sarah@epa.gov]
Sent: Tuesday, April 09, 2013 9:02 AM
To: Monsen, Dawn M.
Cc: Hyatt, Jr., William; Mack, Karyllan Dodson
Subject: RE: LPRSA RI/FS Trust - Occidental Chemical Corporation Share

Dawn,

This will confirm that EPA does not object to the CPG's proposal, described below, to deposit less than the full amount due to be paid into the RI/FS Trust Account by May 8, 2013 (\$7,156,731 as opposed to \$10,200,000). Based on the CPG's representations, we understand that the balance should be paid by Occidental Chemical Corporation pursuant to the terms of the CPG's agreement, and that additional time is needed to collect that amount from Occidental. We also understand that if Occidental fails to pay, the CPG will raise the funds to pay the remaining amount from among the CPG.

The CPG plans to pay any remaining amount not paid by Occidental by July 22, 2013. This is fine as long as the amount in the RI/FS trust account does not drop below \$1,000,000.

Please let me know if you have any questions or concerns.

-Sarah

Sarah P. Flanagan
Office of Regional Counsel, NJ Superfund Branch

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From: Monsen, Dawn M. [mailto:dawn.monsen@klgates.com]
Sent: Monday, April 08, 2013 5:48 PM
To: Flanagan, Sarah
Cc: Hyatt, Jr., William; Mack, Karyllan Dodson
Subject: RE: LPRSA RI/FS Trust - TMO Share

Sarah,

The amount would be \$3,656,731.

Dawn

From: Flanagan, Sarah [mailto:Flanagan.Sarah@epa.gov]
Sent: Monday, April 08, 2013 5:30 PM
To: Monsen, Dawn M.
Cc: Hyatt, Jr., William; Mack, Karyllan Dodson
Subject: RE: LPRSA RI/FS Trust - TMO Share

Dawn,

I have discussed this with Ray and Stephanie and we just have one question: what is the amount that the CPG would deposit on or before May 7, 2013?

-Sarah

Sarah P. Flanagan
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From: Monsen, Dawn M. [<mailto:dawn.monsen@klgates.com>]
Sent: Monday, April 08, 2013 4:52 PM
To: Flanagan, Sarah
Cc: Hyatt, Jr., William; Mack, Karyllan Dodson
Subject: LPRSA RI/FS Trust - TMO Share

Sarah,

In follow-up to our call last week, below are the due dates of the RI/FS Trust Fund invoices that have or will be issued to Tierra, Maxus and Occidental (TMO) under the terms of the CPG's Organization Agreement. As indicated, the Group will not know whether Occidental will make its payment until June 12. In the meantime, we are continuing to encourage TMO to pay their share and would request that EPA do the same, as Occidental remains a signatory to the RI/FS AOC. If TMO does not pay, the Group members will have to raise funds to cover the TMO share. Accordingly, and in light of the timing, the Group requests an extension of time for payment of TMO's share into the RI/FS Trust until July 22.

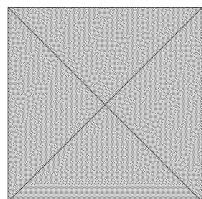
The Group has already prepaid \$3.5M into the RI/FS Trust to date and will deposit the shares of all CPG members on or before May 7, 2013 in accordance with the Fifth Amendment to Trust Agreement. We believe these funds will be sufficient to cover RI/FS work until the full balance can be deposited.

- Invoice issued to Tierra on January 11 with a due date of February 11 - not paid
- Invoice issued to Maxus on February 28 with a due date of March 13 (i.e., 30 days of Tierra's non-payment) - not paid
- Invoice will be issued to Occidental on or before May 13 (i.e., 60 days of Maxus' non-payment) with a due date of June 12 - TBD
- If Occidental does not pay its share, invoices for the TMO share will be issued to the CPG members on June 13, with a due date of July 15 .

- A due date of July 22 allows the CPG an additional week to collect any outstanding invoices and make the transfer into the RI/FS Trust.

Please let us know if you have any questions or wish to discuss. Thank you for your consideration.

Dawn



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